



Agricultural workers:

When paid by piece rate, are you earning minimum wage? (\$9.32 in 2014)

Follow these steps to find out:

1. Record the *hours* you work each day.

Each day, write down the actual number of hours you worked. Ask for L&I's free *Your Daily Record of Hours and Units Worked — For Agricultural Workers* (F700-169-909) or use any other method you choose.

2. Record the *units* you complete each day.

A unit may be a bin, tree, pound, etc.

3. Find out what your workweek is.

Your employer sets your seven-day workweek. It may begin on any day of the week and any hour of the day.

4. Add up the total number of *hours* and *units* at the end of your workweek.

5. *Each time you're paid*, review your pay statement for total units recorded.

Does it match the units **you** recorded for the workweek?

- **Check:** Were you paid for **all** units? Were you paid the promised amount per unit?

6. Calculate your hourly wage.

Divide your gross pay by the total number of hours your **own** record shows you worked in the workweek.

- **Check:** Were you paid at least \$9.32 per hour?

Example

José's workweek

José picks strawberries. His employer promised to pay 50 cents for every pound (unit) of strawberries. Every day, José records how many **hours** he worked and how many **pounds** of strawberries he picks.

	Sun. July 14	Mon. July 15	Tues. July 16	Wed. July 17	Thurs. July 18	Fri. July 19	Sat. July 20	Totals
Units (bins/trees/pounds/etc.)	92	125	175	149	183	105	98	927 Total units
Hours (subtract your meal period)	5	8	10	9	10	7	6	55 Total hours

For the workweek above, José was paid \$463.50 (gross wages) for picking 927 pounds (units) of strawberries at 50 cents per pound. His own records show that he worked 55 hours for the week.

Piece rate correct? Yes.

- 927 pounds (units) multiplied by 50 cents per pound = \$463.50. The employer **did** pay José for all the pounds (units) of strawberries he picked. José **was** paid the promised rate of 50 cents per pound.

Minimum wage paid? No.

- \$463.50 gross wages divided by 55 hours worked = \$8.43 per hour. José was not paid at least the minimum wage of \$9.32 per hour. His employer should have paid him \$512.60 gross wages: 55 hours of work multiplied by \$9.32 = \$512.60. José's employer owes him an additional \$49.10.

Questions workers ask:

1. What is the minimum wage?

It's the wage your employer is required to pay you — *at a minimum* — for every hour you work in Washington. It usually changes each year on January 1.

2. Must all agricultural workers be paid minimum wage?

No. Minimum wage does not need to be paid if **ALL** the following conditions apply:

- You hand-harvest fruit or vegetables,
- Are paid by piece rate,
- Commute daily from your permanent residence to the farm, and
- Worked fewer than 13 weeks in any agricultural job last year.

3. Is the minimum wage different for minors?

Yes. Employers may pay 85% of the minimum wage to minors under age 16.

4. Is my employer required to pay me overtime?

No. Employers are not required to pay overtime to agricultural workers.

5. What if I work through my meal period? Should I get paid for that time?

Yes. If you are not able to take a full, 30-minute meal period, you do not need to deduct 30 minutes from your hours worked for the day.

6. What should I do if my calculations show I *have not been paid correctly for the work I performed*?

You may file a Worker Rights Complaint with L&I. (If you wish, you may check with your employer first to see if there's a payroll mistake.) To ask for a complaint form, call: 1-866-219-7321.

7. What if I'm an undocumented worker? May I still file a Worker Rights Complaint?

Yes. L&I will not ask about your immigration status. Workers must be paid at least minimum wage, regardless of immigration status.

Need more help or information? Need an interpreter free of charge? Just ask!

Phone: 1-866-219-7321, press #1 for Spanish

Visit: Need to visit an L&I office?
Call the number above and ask for the office location nearest you.

Email: ESGeneral@Lni.wa.gov
If your message is not in English, we will forward it to our bilingual staff.

On the Web: www.WorkplaceRights.Lni.wa.gov

Here are some of the publications and forms you may ask for over the phone or during your visit:

- *Worker Rights Complaint form* (F700-148-000)
- *Your Daily Record of Hours and Units Worked — For Agricultural Workers* (F700-169-909)
- *What You Need to Know if You Don't Get Paid* (F700-153-909)
- *What are Your Rights as a Worker?* (F101-061-909)
- *Young Workers in Agriculture* (F700-096-909)
- *FileFast wallet card for workers* (F242-400-000) — if you are injured at work
- *Safety and Health Discrimination Complaint* (F416-011-000) — applicable when safety and health issues are involved